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The role of diamonds in fuelling conflict

Botswana, Namibia, South Africa and Zimbabwe: draft resolution

The role of diamonds in fuelling conflict: breaking the link between the illicit transaction of rough diamonds and armed conflict as a contribution to prevention and settlement of conflicts

The General Assembly,

Recognizing that the trade in conflict diamonds continues to be a matter of serious international concern, which can be directly linked to the fuelling of armed conflict, the activities of rebel movements aimed at undermining or overthrowing legitimate Governments and the illicit traffic in and proliferation of armaments, especially small arms and light weapons,

Recognizing also the devastating impact of conflicts fuelled by the trade in conflict diamonds on the peace, safety and security of people in affected countries, and the systematic and gross human rights violations that have been perpetrated in such conflicts,

Noting the negative impact of such conflicts on regional stability and the obligations placed upon States by the Charter of the United Nations regarding the maintenance of international peace and security,

Recognizing that continued action to curb the trade in conflict diamonds is imperative,

Noting with appreciation that the Kimberley Process, as an international initiative of the Governments of participant States, has pursued its deliberations on an inclusive basis involving concerned stakeholders, including producing, exporting and importing States, the diamond industry and civil society, as well as applicant States and international organizations,

Recalling that the elimination of conflict diamonds from legitimate trade is the primary objective of the Kimberley Process,

Calling for the consistent implementation of commitments made by Kimberley Process participant States,

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Acknowledging that the diamond sector is an important catalyst for achieving poverty reduction and meeting the requirements of the Millennium Development Goals in many producing countries, particularly in developing countries,

Bearing in mind the positive benefits of the legitimate diamond trade to producing countries, and underlining the need for continued international action to prevent the problem of conflict diamonds from negatively affecting the trade in legitimate diamonds, which makes a critical contribution to the economies of many of the producing, exporting and importing States, especially developing States,

Noting that the vast majority of rough diamonds produced in the world are from legitimate sources,

Recalling the Charter of the United Nations and all the relevant resolutions of the Security Council related to conflict diamonds, and determined to contribute to and support the implementation of the measures provided for in those resolutions,

Recalling also Security Council resolution 1459 (2003) of 28 January 2003, in which the Council strongly supported the Kimberley Process Certification Scheme[1] as a valuable contribution against trafficking in conflict diamonds,

Welcoming the important contribution of the Kimberley Process, which was initiated by African diamond-producing countries,

Noting with satisfaction that the implementation of the Kimberley Process Certification Scheme continues to have a positive impact in reducing the opportunity for conflict diamonds to play a role in fuelling armed conflict and would help to protect legitimate trade and ensure the effective implementation of the relevant resolutions on trade in conflict diamonds,

Acknowledging that lessons learned from the Kimberley Process are useful for the work of the Peacebuilding Commission in its consideration of the countries included in its agenda, as appropriate,

Recalling its resolutions 55/56 of 1 December 2000, 56/263 of 13 March 2002, 57/302 of 15 April 2003, 58/290 of 14 April 2004, 59/144 of 15 December 2004, 60/182 of 20 December 2005, 61/28 of 4 December 2006, 62/11 of 26 November 2007 and 63/134 of 11 December 2008, in which it called for the development and implementation as well as a periodic review of proposals for a simple, effective and pragmatic international certification scheme for rough diamonds,

Welcoming, in this regard, the implementation of the Kimberley Process Certification Scheme in such a way as not to impede the legitimate trade in diamonds or impose an undue burden on Governments or industry, particularly smaller producers, nor hinder the development of the diamond industry,

Welcoming also the decision of forty-nine Kimberley Process Participants, representing seventy-five countries, including the twenty-seven members of the European Union represented by the European Commission, to address the problem of conflict diamonds by participating in the Process and implementing the Kimberley Process Certification Scheme,

Noting the consensual outcomes of the plenary meeting of the Kimberley Process, held in Swakopmund, Namibia, from 2 to 5 November 2009,

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[1] See A/57/489.

Welcoming the important contribution in fulfilling the purposes of the Kimberley Process that has been made and continues to be made by civil society and the diamond industry, in particular the World Diamond Council, which represents all aspects of the diamond industry, to assist international efforts to stop the trade in conflict diamonds,

Welcoming also the voluntary self-regulation initiatives for the diamond industry announced by the World Diamond Council, and recognizing that a system of such voluntary self-regulation contributes, as described in the Interlaken Declaration of 5 November 2002 on the Kimberley Process Certification Scheme for Rough Diamonds,[2] to ensuring the effectiveness of national systems of internal control for rough diamonds,

Recognizing that State sovereignty should be fully respected and that the principles of equality, mutual benefits and consensus should be adhered to,

Recognizing also that the Kimberley Process Certification Scheme, which came into effect on 1 January 2003, will be credible only if all Participants have requisite national legislation coupled with effective and credible internal systems of control designed to eliminate the presence of conflict diamonds in the chain of producing, exporting and importing rough diamonds within their own territories, while taking into account that differences in production methods and trading practices, as well as differences in institutional controls thereof, may require different approaches to meeting minimum standards,

Welcoming the efforts of the Kimberley Process to continue elaborating new rules and procedural norms to regulate the activities of its working bodies, Participants and observers, and to enhance the effectiveness of the Certification Scheme,

1. *Reaffirms its strong and continuing support* for the Kimberley Process Certification Scheme[1] and the Kimberley Process as a whole;

2. *Recognizes* that the Kimberley Process Certification Scheme can help to ensure the effective implementation of relevant resolutions of the Security Council containing sanctions on the trade in conflict diamonds and act as a mechanism for the prevention of future conflicts, and calls for the full implementation of existing Council measures targeting the illicit trade in rough diamonds, particularly conflict diamonds which play a role in fuelling conflict;

3. *Welcomes* admission of new Participants to the Kimberley Process;

4. *Recognizes* the important contributions that the international efforts to address the problem of conflict diamonds, including the Kimberley Process Certification Scheme, have made to the settlement of conflicts and the consolidation of peace in Angola, Liberia and Sierra Leone;

5. *Notes* the efforts, including the creation of a technical experts team, to strengthen import confirmation requirements and examine the compliance of cross-border Internet sales with Kimberley Process Certification Scheme requirements;

6. *Also notes* the decision of the General Council of the World Trade Organization of 15 May 2003 granting a waiver with respect to the measures taken

[2] Ibid., annex 2.

to implement the Kimberley Process Certification Scheme, effective from 1 January 2003 to 31 December 2006,[3] and the decision of the General Council of 17 November 2006 granting an extension of the waiver until 31 December 2012;[4]

7. *Takes note* of the report of the Chair of the Kimberley Process submitted pursuant to General Assembly resolution 63/134 and congratulates the participating Governments, the regional economic integration organization, the diamond industry and civil society organizations involved in the Process for contributing to the development, implementation and monitoring of the Kimberley Process Certification Scheme;

8. *Welcomes* the efforts of the Kimberley Process Participants to fully implement the Kimberley Process Certification Scheme, and stresses the need to implement the minimum requirements and additional recommended measures established by the Kimberley Process and the intention to increase the efficiency of internal controls;

9. *Acknowledges* the progress made by Kimberley Process working groups, Participants and observers during 2009 in fulfilling the objectives set by the Chair to strengthen implementation of the peer review system, increase the transparency and accuracy of statistics, promote research into the traceability of diamonds, promote inclusiveness by broadening the level of involvement by Governments, industry and civil society in the Kimberley Process Certification Scheme, foster a sense of ownership by Participants, improve information and communication flows and enhance the capacity of the Certification Scheme to respond to emerging challenges;

10. *Stresses* that the widest possible participation in the Kimberley Process Certification Scheme is essential, and encourages all Member States to contribute to the work of the Kimberley Process by seeking membership, participating actively in the Certification Scheme and complying with its undertakings, and welcomes the increased involvement of civil society organizations, in particular those from producer countries, in the Process;

11. *Recognizes* the importance of the Kimberley Process continuing to articulate and improve rules and procedures to further enhance the effectiveness of the Kimberley Process Certification Scheme, and notes with satisfaction the systematization of the work of the Kimberley Process with respect to developing transparent and uniform rules and procedures and improving of the mechanism for consultations and coordination within the Process;

12. *Welcomes* the adoption of new guidelines pertaining to implementation and enforcement in order to enhance the capacity of the Kimberley Process and provide guidance to national authorities to address specific enforcement issues such as fraudulent certificates, shipments of suspicious origin and exchange of information in cases of infringement;

13. *Notes with appreciation* the willingness of the Kimberley Process to support and provide technical assistance to those Participants experiencing temporary difficulties in complying with the requirements of the Kimberley Process Certification Scheme;

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[3] World Trade Organization, document WT/L/518. Available from http://docsonline.wto.org.

[4] World Trade Organization, document G/C/W/559/Rev.1. Available from http://docsonline.wto.org.

14. *Notes* the adoption by the Swakopmund plenary meeting of the decision on the sharing of information on the Kimberley Process with the United Nations and on the participation of observers in the Kimberley Process;

15. *Welcomes* the establishment of a scientific sub-group on characterization and identification of rough diamonds to improve the current "footprinting" work that is being done by the Kimberley Process on rough diamonds from Côte d'Ivoire;

16. *Notes with appreciation* the continued cooperation of the Kimberley Process with the United Nations on the issue of diamonds from Côte d'Ivoire and the continued monitoring of the situation in that country on the basis of the reports of the United Nations Group of Experts on Côte d'Ivoire, originally established by the Security Council in its resolution 1584 (2005), and through liaison with Côte d'Ivoire, and encourages continued cooperation between the Process and the United Nations in addressing this issue, with the ultimate objective of meeting the preconditions for the lifting of United Nations sanctions on the trading of rough diamonds from Côte d'Ivoire;

17. *Acknowledges* the adoption of a plan by the plenary of the Kimberley Process to strengthen the internal controls of Guinea and to assess that country's production capacity, welcomes the commitment of Liberia to host a regional meeting to foster further regional cooperation in rough diamond controls, and appreciates the continued efforts of Ghana to strengthen internal controls and prevent infiltration of illicit Ivorian diamonds into the legitimate trade;

18. *Notes with satisfaction* the development of a new Kimberley Process rough diamond statistics website with enhanced security measures and controls, welcomes the progress made towards the collection and submission of complete and accurate statistical reports on the production of and trade in rough diamonds, and encourages all the Kimberley Process Participants to continue to enhance the quality of data and respond promptly to the process of analysis of the data;

19. *Also notes with satisfaction* the "footprint" work conducted by the Kimberley Process Working Group of Diamond Experts with respect to Côte d'Ivoire, Ghana, Guinea, Liberia, Togo and the Marange diamond fields in Zimbabwe;

20. *Notes with appreciation* the progress achieved under the action plan by the artisanal and alluvial diamond-producing countries and the sharing of information on the impact of the global financial crisis, namely the economic and social consequences and their impact on internal controls;

21. *Calls on* all Kimberley Process Participants to implement internal controls in diamond trading and manufacturing centres as part of their own internal controls for ensuring adequate Government oversight over the trade in rough diamonds;

22. *Notes with appreciation* the assistance and capacity-building efforts extended by various donors, and encourages other donors to provide financial and technical expertise and organizational support to Kimberley Process Participants, in particular new Participants to help them to develop tighter monitoring and control measures;

23. *Acknowledges with great appreciation* the important contribution that Namibia, as Chair of the Kimberley Process in 2009, has made to the efforts to curb

the trade in conflict diamonds, and takes note that the Process has selected Israel as Chair and the Democratic Republic of the Congo as Vice-Chair of the Process for 2010;

24. *Requests* the Chair of the Kimberley Process to submit to the General Assembly at its sixty-fifth session a report on the implementation of the Process;

25. *Decides* to include in the provisional agenda of its sixty-fifth session the item entitled "The role of diamonds in fuelling conflict".